

this application, as the prior art reference Wetherbee and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely Oracle Corporation. Under 37 CFR § 1.104, "copending applications will be considered by the examiner to be owned by, or subject to an obligation of assignment to, the same person if: (i) The application files refer to assignments recorded in the Patent and Trademark Office in accordance with Part 3 of this chapter which convey the entire rights in the applications to the same person or organization." Please find included with this document a copy of the assignment of the parent application, which assigns Oracle Corporation the entire interest in the patent. In accordance with MPEP 306, a prior assignment recorded against the original application is applied to a continuation application because the assignment recorded against the original application gives the assignee rights to subject matter common to both applications. Accordingly, Wetherbee does not qualify as prior art to the present application under 35 U.S.C. § 103(c).

#### CONCLUSION

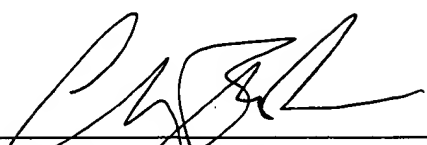
In view of the above remarks, Applicants believe that the application is in condition for allowance; it is therefore respectfully requested that it be passed to issue. If the Examiner has any questions regarding this amendment, he is encouraged to contact the undersigned at the number listed below.

No fee is believed to be required with the filing of this response. However, if such is not the case and a fee is due, the Commissioner is hereby authorized to charge Lyon & Lyon Deposit Account No. 12-2475 for the amount due.

Respectfully submitted,

LYON & LYON LLP

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